

## **Atagi, Tracy**

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**From:** Armstead, John A.  
**Sent:** Tuesday, October 27, 2015 8:33 PM  
**To:** Johnson, Barnes  
**Subject:** Re: Bloom desulfurization canisters

Thanks Barnes, I will share with my folks.

Sent from John Armstead's EPA iPhone

On Oct 27, 2015, at 6:26 PM, Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)> wrote:

Dear Brent,

It was good meeting you and thank you for sharing your experiences with the Bloom desulfurization canisters.

To be very clear Delaware initially corresponded with Bloom and took the position that the manufacturing process unit exemption applied to Bloom's desulfurization canisters; DE also left open the possibility that EPA may independently review and opine on the status of the canisters. EPA Region 3 with the collaboration of my office did reply (attached) and made it clear that the MPU exemption does not apply to the canisters. Whether any particular facility is a hazardous waste generator at the point that the canisters are removed from the energy production unit of course depends on whether the material in the canister meets the definition of hazardous waste.

I am copying several members of my team who have been working on this issue. We would like to stay in touch with you regarding how this issue develops in North Carolina. It is our hope that companies like Apple who are faced with the proper management of these canisters will want to do the right thing and will not view becoming a hazardous waste generator as a significant burden. In fact it would be our hope that operating under the hazardous waste management system should give them the reassurance that they are doing the right thing environmentally.

Sincerely,

**Barnes Johnson**

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**From:** Burch, Brent [<mailto:brent.burch@ncdenr.gov>]

**Sent:** Tuesday, October 27, 2015 2:15 PM

**To:** Johnson, Barnes <[Johnson.Barnes@epa.gov](mailto:Johnson.Barnes@epa.gov)>

**Subject:** Bloom desulfurization canisters

Hi Barnes,

It was a pleasure meeting you last week in Atlanta at the EPA Region IV state director's meeting. During your presentation you mentioned EPA had recently concurred with Delaware in deciding that the Bloom desulfurization canisters do not meet the manufacturing factoring process unit exemption. We have a facility, Apple, Inc., here in NC that is using these canisters at their data storage facility. I had previously researched the subject and submitted comments to John Johnston agreeing with Delaware's position.

I hope the meeting with Bloom and EPA can occur soon and this issue can be resolved. I sent an email to the Apple contact several months ago letting him know that this issue was being discussed and it was my opinion that they would soon be considered the generator. Please let me know if there is anything I can do to help.

I hope you can come and visit us here in North Carolina someday. I really enjoyed your presentation...Brent

**Brent G. Burch**  
Western Region Compliance Supervisor  
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<Signed RA letter to DNREC Secretary on Bloom Energy - FINAL.PDF>